



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
JUDICIARY

Tuesday, February 17, 2015

12:00 p.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by the Chair.

Members present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Members absent/excused: None.

Representative Heise moved to adopt the minutes of February 10, 2015. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid before the committee HB 4159, HB 4160 and HB 4161:

HB 4159 (Johnson) Weapons; licensing; waiver for certain individuals to carry weapon in weapon-free zones; expand to include certain corrections, probation, and parole officers.

HB 4160 (Johnson) Weapons; other; brandishing a firearm; exempt certain actions.

HB 4161 (Hughes) Weapons; other; definition of brandish; provide for.

Representative Johnson, Representative Hughes and Jeremy Tripp, representing the Michigan Corrections Organization, testified in support of all the bills. Questions and discussion followed.

Tom Lambert, representing Michigan Open Carry, came forward to testify with Representative Johnson and Representative Hughes in support of HB 4160 and HB 4161. Questions and discussion followed.

Gregory O'Neill, representing himself, testified in opposition to HB 4159.

Wayne Groth, representing Calhoun County Gun Owners, testified in opposition to HB 4159.

Joel E. Fulton, representing Freedom Firearms, testified in opposition to HB 4159.

Tom Lambert, representing Michigan Open Carry, testified in opposition to HB 4159.

Sheriff Dar Leaf, representing Barry County, submitted a card in support of HB 4159, but did not wish to speak.

G.R. Dining, representing himself, submitted a card in opposition to HB 4159, but did not wish to speak.

Brad Benzing, representing Shooters Alliance for Firearm Rights, submitted a card in opposition to HB 4159, but did not wish to speak.

Joel E. Fulton, representing Freedom Firearms, testified in support of HB 4160.

Gregory O'Neill, representing himself, testified in support of HB 4160 and HB 4161.

G.R. Dining, representing himself, submitted a card in support of HB 4160 and HB 4161, but did not wish to speak.

Dakota Moore, representing the National Rifle Association – Institute for Legislative Action, submitted a card in support of HB 4160 and HB 4161, but did not wish to speak.

Brady Schickinger, representing Michigan Coalition for Responsible Gun Owners, submitted a card in support of HB 4160 and HB 4161 and neutral on HB 4159, but did not wish to speak.

Representative Johnson offered the following amendment to HB 4161:

1. Amend page 1, line 8, after “**MEANS**” by striking out the balance of the subdivision and inserting “**TO POINT, WAVE ABOUT, OR DISPLAY AND THREATENING MANNER WITH THE INTENT TO INDUCE FEAR IN ANOTHER PERSON.**”.

Representative Lucido moved to adopt the amendment to the bill. The motion prevailed 9-2-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Chang, Guerra.

Nays: Reps. Irwin, Robinson.

Pass: None.

Representative Chang offered the following amendments to HB 4159:

1. Amend page 3, following line 10, by inserting:
“(I) A PUBLIC LIBRARY AS DEFINED IN SECTION 2 OF THE STATE AID TO PUBLIC LIBRARIES ACT, 1977 PA 89, MCL 397.552.”.

2. Amend page 5, following line 16, by inserting:
“(6) AN INDIVIDUAL SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL ON THE PREMISES LISTED IN SUBSECTION (1)(A) TO (I) UNLESS THE INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION (1) OR IS EMPLOYED OR CONTRACTED BY THE OWNER OR OTHER PERSON WITH CONTROL OVER THE PREMISES DESCRIBED IN SUBSECTION (1), THE POSSESSION OF THE PISTOL IS TO PROVIDE SECURITY SERVICES FOR THE PREMISES OR IS OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL

DUTIES, OR THE INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT OF THE OWNER OF THE PREMISES OR AN AGENT OF THE OWNER OF THE PREMISES." and renumbering the remaining subsection.

Representative Chang moved to adopt the amendments to the bill. The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Robinson, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad.

Pass: None.

Representative Lucido moved to report out HB 4159 with recommendation. The motion prevailed 9-2-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Guerra.

Nays: Reps. Robinson, Chang

Pass: None.

Representative Lucido moved to report out HB 4160 with recommendation. The motion prevailed 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Chang, Guerra.

Nays: Rep. Robinson.

Pass: None.

Representative Lucido moved to report out HB 4161 with recommendation, as amended, as substitute (H-1). The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid before the committee HB 4076.

HB 4076	(Rendon)	Weapons; firearms; reference to certain repealed definition in the penal code; eliminate.
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Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners, submitted a card in support of HB 4076, but did not wish to speak.

Representative Lucido moved to report out HB 4076 with recommendation. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid before the committee HB 4151 – HB 4156:

HB 4151	(Pettalia)	Weapons; firearms; 1959 PA 186; repeal.
HB 4152	(Sheppard)	Weapons; firearms; definition of firearm in MCL 8.3t; modify.
HB 4153	(Franz)	Weapons; firearms; definition of firearm in MCL 752.841; modify.
HB 4154	(B Roberts)	Weapons; firearms; definition of firearm in natural resources and environmental protection act; modify.
HB 4155	(Cole)	Weapons; firearms; definition of firearm in the Michigan penal code; modify.
HB 4156	(Barrett)	Weapons; firearms; definition of firearm in 1927 PA 372; modify.

Ben Bodkin, representing the Michigan Sheriff's Association, submitted a card indicating concerns with transportation of weapons, but did not wish to speak.

Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners, submitted a card in support of HB's 4151 - 4156, but did not wish to speak.

Wayne Groth, representing Calhoun County Gun Owners, submitted a card in support of HB 4151 – HB 4156, but did not wish to speak.

Representative Lucido moved to report out HB 4151 with recommendation. The motion prevailed 8-3-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Guerra.

Nays: Reps. Irwin, Robinson, Chang.

Pass: None.

Representative Heise moved to report out HB 4152 with recommendation. The motion prevailed 8-3-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Guerra.

Nays: Reps. Irwin, Robinson, Chang.

Pass: None.

Representative Lucido moved to report out HB 4153 with recommendation. The motion prevailed 8-3-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Guerra.

Nays: Reps. Irwin, Robinson, Chang.

Pass: None.

Representative Runestad moved to report out HB 4154 with recommendation. The motion prevailed 8-3-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Guerra.

Nays: Reps. Irwin, Robinson, Chang.

Pass: None.

Representative Irwin offered the following amendment to HB 4155:

1. Amend page 10, line 10, after "**GUN**" by striking out the balance of the subdivision and inserting a period.

Representative Irwin moved to adopt the amendment to the bill. The motion prevailed 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Chang, Guerra.

Nays: Rep. Robinson

Pass: None.

Representative Guerra offered the following amendment to HB 4155:

1. Amend page 10, line 18, after "firearm," by inserting "**PNEUMATIC GUN**".

Representative Guerra moved to adopt the amendment to the bill. The motion did not prevail 3-8-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Robinson

Pass: None.

Representative Guerra offered the following amendments to HB 4155:

1. Amend page 5, line 23, after "**LOADED**" by striking out the balance of the subdivision and inserting a period.
2. Amend page 6, line 16, after "**GUN**" by striking out the balance of the line through "**INJURY**" on line 17.
3. Amend page 10, line 10, after "**GUN**" by striking out the balance of the subdivision and inserting a period.

Representative Guerra moved to adopt the amendments to the bill. The motion did not prevail 3-8-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Robinson.

Pass: None.

Representative Guerra offered the following amendment to HB 4155:

1. Amend page 3, following line 25, by inserting:
"Sec. 224f. (1) Except as provided in subsection (2), a person convicted of a felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm **OR PNEUMATIC GUN** in this state until the expiration of 3 years after all of the following circumstances exist:
 - (a) The person has paid all fines imposed for the violation.
 - (b) The person has served all terms of imprisonment imposed for the violation.
 - (c) The person has successfully completed all conditions of probation or parole imposed for the violation.
- (2) A person convicted of a specified felony shall not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm **OR PNEUMATIC GUN** in this state until all of the following circumstances exist:
 - (a) The expiration of 5 years after all of the following circumstances exist:
 - (i) The person has paid all fines imposed for the violation.
 - (ii) The person has served all terms of imprisonment imposed for the violation.
 - (iii) The person has successfully completed all conditions of probation or parole imposed for the violation.
 - (b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm has been restored under section 4 of 1927 PA 372, MCL 28.424.
- (3) Except as provided in subsection (4), a person convicted of a felony shall not possess, use, transport, sell, carry, ship, or distribute ammunition in this state until the expiration of 3 years after all of the following circumstances exist:
 - (a) The person has paid all fines imposed for the violation.
 - (b) The person has served all terms of imprisonment imposed for the violation.
 - (c) The person has successfully completed all conditions of probation or parole imposed for the violation.

(4) A person convicted of a specified felony shall not possess, use, transport, sell, carry, ship, or distribute ammunition in this state until all of the following circumstances exist:

(a) The expiration of 5 years after all of the following circumstances exist:

(i) The person has paid all fines imposed for the violation.

(ii) The person has served all terms of imprisonment imposed for the violation.

(iii) The person has successfully completed all conditions of probation or parole imposed for the violation.

(b) The person's right to possess, use, transport, sell, purchase, carry, ship, receive, or distribute ammunition has been restored under section 4 of 1927 PA 372, MCL 28.424.

(5) A person who possesses, uses, transports, sells, purchases, carries, ships, receives, or distributes a firearm **OR PNEUMATIC GUN** in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(6) A person who possesses, uses, transports, sells, carries, ships, or distributes ammunition in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(7) Any single criminal transaction where a person possesses, uses, transports, sells, carries, ships, or distributes ammunition in violation of this section, regardless of the amount of ammunition involved, constitutes 1 offense.

(8) This section does not apply to a conviction that has been expunged or set aside, or for which the person has been pardoned, unless the expunction, order, or pardon expressly provides that the person shall not possess a firearm or ammunition.

(9) As used in this section:

(a) "Ammunition" means any projectile that, in its current state, may be expelled from a firearm by an explosive.

(b) "Felony" means a violation of a law of this state, or of another state, or of the United States that is punishable by imprisonment for 4 years or more, or an attempt to violate such a law.

(10) As used in subsections (2) and (4), "specified felony" means a felony in which 1 or more of the following circumstances exist:

(a) An element of that felony is the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(b) An element of that felony is the unlawful manufacture, possession, importation, exportation, distribution, or dispensing of a controlled substance.

(c) An element of that felony is the unlawful possession or distribution of a firearm.

(d) An element of that felony is the unlawful use of an explosive.

(e) The felony is burglary of an occupied dwelling, or breaking and entering an occupied dwelling, or arson."

Representative Guerra moved to adopt the amendment to the bill. The motion did not prevail 3-8-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Robinson.
Pass: None.

Representative Cole moved to report out HB 4155 with recommendation, as amended, as substitute (H-1). The motion prevailed 7-4-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad.
Nays: Reps. Irwin, Robinson, Chang, Guerra.
Pass: None.

Representative Johnson moved to report out HB 4156 with recommendation. The motion prevailed 8-3-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Guerra.
Nays: Reps. Irwin, Robinson, Chang.
Pass: None.

Chairman Kesto laid before the committee SB 34 and SB 35:

SB 34	(Green)	Weapons; licensing; concealed pistol licensing boards; eliminate, and transfer duties to the department of state police and county clerks.
SB 35	(Green)	Criminal procedure; sentencing guidelines; reference in sentencing guidelines; update.

Brad Benzing, representing the Shooters Alliance for Firearm Rights, submitted a card in support of SB 34, but did not wish to speak.

Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners, submitted a card in support of SB 34 and SB 35, but did not wish to speak.

Representative Chang offered the following amendments to SB 34:

1. Amend page 5, following line 7, by inserting:
"Sec. 2. (1) Except as otherwise provided in this act, a person shall not purchase, carry, possess, or transport a ~~pistol~~ **FIREARM** in this state without first having obtained a license for the ~~pistol~~ **FIREARM** as prescribed in this section.
- (2) A person who brings a ~~pistol~~ **FIREARM** into this state who is on leave from active duty with the armed forces of the United States or who has been discharged from active duty with the armed forces of the United States shall obtain a license for the ~~pistol~~ **FIREARM** within 30 days after his or her arrival in this state.
- (3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, possess, or transport ~~pistols~~ **FIREARMS**, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to

purchase, carry, possess, or transport ~~pistols~~ **FIREARMS** to qualified applicants unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the ~~pistol~~ **FIREARM** that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:

(a) The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network under any of the following:

- (i) Section 464a of the mental health code, 1974 PA 258, MCL 330.1464a.
- (ii) Section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA 642.
- (iii) Section 2950 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950.
- (iv) Section 2950a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950a.
- (v) Section 14 of 1846 RS 84, MCL 552.14.
- (vi) Section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, if the order has a condition imposed under section 6b(3) of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.
- (vii) Section 16b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.16b.

(b) The person is 18 years of age or older or, if the **FIREARM IS A PISTOL AND THE** seller is licensed under 18 USC 923, is 21 years of age or older.

(c) The person is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, a person ~~shall~~ **be** ~~IS~~ considered a legal resident of this state if any of the following apply:

(i) The person has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

(ii) The person is lawfully registered to vote in this state.

(iii) The person is on active duty status with the United States armed forces and is stationed outside of this state, but the person's home of record is in this state.

(iv) The person is on active duty status with the United States armed forces and is permanently stationed in this state, but the person's home of record is in another state.

(d) A felony charge or a criminal charge listed in section 5b against the person is not pending at the time of application.

(e) The person is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

(f) The person has not been adjudged insane in this state or elsewhere unless he or she has been adjudged restored to sanity by court order.

(g) The person is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(h) The person has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to a person who has had his or her legal capacity restored by order of the court.

(4) Applications for licenses under this section shall be signed by the applicant under oath upon forms provided by the director of the department of state police. Licenses to purchase, carry, possess, or transport ~~pistols~~ **FIREARMS** shall be executed in triplicate upon forms provided by the director of the department of state police and shall be signed by the licensing authority. Three copies of the license shall be delivered to the applicant by the licensing authority. A license is void unless used within 30 days after the date it is issued.

(5) If an individual purchases or otherwise acquires a ~~pistol~~ **FIREARM**, the seller shall fill out the license forms describing the ~~pistol~~ **FIREARM**, together with the date of sale or acquisition, and sign his or her name in ink indicating that the ~~pistol~~ **FIREARM** was sold to or otherwise acquired by the purchaser. The purchaser shall also sign his or her name in ink indicating the purchase or other acquisition of the ~~pistol~~ **FIREARM** from the seller. The seller may retain a copy of the license as a record of the transaction. The purchaser shall receive 2 copies of the license. ~~The~~ **IF THE FIREARM IS A PISTOL, THE** purchaser shall return 1 copy of the license to the licensing authority within 10 days after the date the pistol is purchased

or acquired. The return of the copy to the licensing authority may be made in person or may be made by first-class mail or certified mail sent within the 10-day period to the proper address of the licensing authority. A purchaser who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a purchaser is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police of that determination.

(6) Within 10 days after receiving the license copy **FOR A PISTOL** returned under subsection (5), the licensing authority shall electronically enter the information into the pistol entry database as required by the department of state police if it has the ability to electronically enter that information. If the licensing authority does not have that ability, the licensing authority shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any licensing authority that provided pistol descriptions to the department of state police under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. Within 48 hours after entering or otherwise providing the information on the license copy returned under subsection (5) to the department of state police, the licensing authority shall forward the copy of the license to the department of state police. The purchaser has the right to obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The licensing authority may charge a fee not to exceed \$1.00 for the cost of providing the copy. The licensee may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the license. However, the person is not required to have the license in his or her possession while carrying, using, possessing, or transporting the pistol after this period.

(7) This section does not apply to the purchase of ~~pistols~~ **FIREARMS** from wholesalers by dealers regularly engaged in the business of selling ~~pistols~~ **FIREARMS** at retail, or to the sale, barter, or exchange of ~~pistols~~ **FIREARMS** kept as relics or curios not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of ~~pistols~~ **FIREARMS** that are inherited if the license to purchase is approved by the commissioner or chief of police, sheriff, or their authorized deputies, and signed by the personal representative of the estate or by the next of kin having authority to dispose of the ~~pistol~~ **FIREARM**.

(8) An individual who is not a resident of this state is not required to obtain a license under this section if all of the following conditions apply:

(a) The individual is licensed in his or her state of residence to purchase, carry, or transport a ~~pistol~~ **FIREARM**.

(b) The individual is in possession of the license described in subdivision (a).

(c) The individual is the owner of the ~~pistol~~ **FIREARM** he or she possesses, carries, or transports.

(d) The individual possesses the ~~pistol~~ **FIREARM** for a lawful purpose. ~~as that term is defined in section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.~~

(e) The individual is in this state for a period of 180 days or less and does not intend to establish residency in this state.

(9) An individual who is a nonresident of this state shall present the license described in subsection (8)(a) upon the demand of a police officer. An individual who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

(10) The licensing authority may require a person claiming active duty status with the United States armed forces to provide proof of 1 or both of the following:

(a) The person's home of record.

(b) Permanent active duty assignment in this state.

(11) This section does not apply to a person who is younger than the age required under subsection (3)(b) and who possesses a ~~pistol~~ **FIREARM** if ~~all~~ **1** of the following conditions ~~apply~~ **APPLIES**:

(a) The person is not otherwise prohibited from possessing that ~~pistol~~ **FIREARM AND ALL OF THE FOLLOWING APPLY**:

(i) ~~(b)~~ The person is at a recognized target range.

(ii) ~~(c)~~ The person possesses the ~~pistol~~ **FIREARM** for the purpose of target practice or instruction in the safe use of a ~~pistol~~ **FIREARM**.

(iii) ~~(d)~~ The person is in the physical presence and under the direct supervision of any of the following:

(A) ~~(i)~~ The person's parent.

(B) ~~(ii)~~ The person's guardian.

(C) ~~(iii)~~ An individual who is 21 years of age or older, who is authorized by the person's parent or guardian, and who has successfully completed a pistol safety training course or class that meets the requirements of section 5j(1)(a), (b), or (d), and received a certificate of completion.

(iv) ~~(e)~~ The owner of the ~~pistol~~ **FIREARM** is physically present.

(B) THE PERSON IS NOT OTHERWISE PROHIBITED FROM POSSESSING THAT FIREARM AND THE PERSON POSSESSES THE FIREARM FOR THE PURPOSE OF HUNTING.

(12) This section does not apply to a person who possesses a ~~pistol~~ **FIREARM** if all of the following conditions apply:

(a) The person is not otherwise prohibited from possessing a ~~pistol~~ **FIREARM**.

(b) The person is at a recognized target range or shooting facility.

(c) The person possesses the ~~pistol~~ **FIREARM** for the purpose of target practice or instruction in the safe use of a ~~pistol~~ **FIREARM**.

(d) The owner of the ~~pistol~~ **FIREARM** is physically present and supervising the use of the ~~pistol~~ **FIREARM**.

(13) A person who forges any matter on an application for a license under this section is guilty of a felony, punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(14) A licensing authority shall implement this section during all of the licensing authority's normal business hours and shall set hours for implementation that allow an applicant to use the license within the time period set forth in subsection (4)."

2. Amend page 5, line 10, after "a" by striking out "pistol" and inserting **"FIREARM"**.

3. Amend page 5, line 16, after the first "a" by striking out "pistol" and inserting **"FIREARM"**.

4. Amend page 5, following line 17, by inserting:

"(D) AN INDIVIDUAL PURCHASING A FIREARM OTHER THAN A PISTOL WHO HAS A FEDERAL NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PERFORMED ON HIM OR HER BY A FEDERALLY LICENSED FIREARMS DEALER NOT MORE THAN 30 DAYS BEFORE THE PURCHASE."

5. Amend page 5, line 19, after the first "a" by striking out "pistol" and inserting **"FIREARM"**.

6. Amend page 5, line 10, after "the" by striking out "pistol" and inserting **"FIREARM OR THE DEALER LICENSE NUMBER OF THE FEDERALLY LICENSED FIREARMS DEALER THAT PERFORMED THE FEDERAL NATIONAL INSTANT CRIMINAL BACKGROUND CHECK"**.

7. Amend page 6, line 1, after "and" by inserting a comma and **"IF THE FIREARM IS A PISTOL,"**.

8. Amend page 6, line 17, after "copy" by inserting **"FOR A PISTOL"**.

9. Amend page 8, following line 4, by inserting:

"Sec. 2b. (1) Except as provided in subsection (5), upon entry of an order or disposition into the law enforcement information network under any provision of law described in section 2(3)(a), the department of state police shall immediately send written notice of that entry to the person who is the subject of the order or disposition. The notice shall be sent by first-class mail to the last known address of the person. The notice shall include at least all of the following:

(a) The name of the person.

(b) The date the order or disposition was entered into the law enforcement information network.

(c) A statement that the person cannot obtain a license to purchase a ~~pistol~~**FIREARM** or obtain a concealed weapon license until the order or disposition is removed from the law enforcement information network.

(d) A statement that the person may request that the state police correct or expunge inaccurate information entered into the law enforcement information network.

(2) A person who is the subject of an order entered into the law enforcement information network under any provision of law described in section 2(3)(a) may request that the department of state police do either of the following:

(a) Amend an inaccuracy in the information entered into the law enforcement information network under any provision of law described in section 2(3)(a).

(b) Expunge the person's name and other information concerning the person from the law enforcement information network regarding 1 or more specific entries in the law enforcement information network under any provision of law described in section 2(3)(a) because 1 or more of the following circumstances exist:

(i) The person is not subject to an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(ii) The person is not subject to an order or disposition determining that the person is legally incapacitated.

(iii) The person is not subject to a personal protection order issued under any of the following:

(A) Section 2950 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950.

(B) Section 2950a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950a.

(C) Section 14 of 1846 RS 84, MCL 552.14.

(iv) The person is not subject to an order for release subject to protective conditions that prohibits the purchase or possession of a firearm by the person issued under section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.

(3) Before the expiration of 30 days after a request is made to amend an inaccuracy in the law enforcement information network under subsection (2)(a) or to expunge 1 or more specific entries from the law enforcement information network under subsection (2)(b)(i) to (iv), the department of state police shall conduct an investigation concerning the accuracy of the information contained in the law enforcement information network, either grant or deny the request and provide the person with written notice of that grant or denial. A notice of denial shall include a statement specifying the basis of the denial, and that a person may appeal the denial pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) If the department of state police refuses a request by a person for amendment or expunction under subsection (2), or fails to act within 30 days after receiving the request under subsection (2), the person may request a hearing before a hearing officer appointed by the department of state police for a determination of whether information entered into the law enforcement information network should be amended or expunged because it is inaccurate or false. The department of state police shall conduct the hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) The department of state police shall not send written notice of an entry of an order or disposition into the law enforcement information network as required for a personal protection order issued under section 2950 or 2950a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, until that department has received notice that the respondent of the order has been served with or has received notice of the personal protection order."

10. Amend page 85, following line 10, by inserting:

"Sec. 12. (1) Section 2 does not apply to any of the following:

(a) A police or correctional agency of the United States or of this state or any subdivision of this state.

(b) The United States army, air force, navy, or marine corps.

(c) An organization authorized by law to purchase or receive weapons from the United States or from this state.

(d) The national guard, armed forces reserves, or other duly authorized military organization.

(e) A member of an entity or organization described in subdivisions (a) through (d) for a ~~pistol~~**FIREARM** while engaged in the course of his or her duties with that entity or while going to or returning from those duties.

(f) A United States citizen holding a license to carry a pistol concealed upon his or her person issued by another state.

(g) The regular and ordinary possession and transportation of a ~~pistol~~ **FIREARM** as merchandise by an authorized agent of a person licensed to manufacture firearms or a licensed dealer.

(h) Purchasing, owning, carrying, possessing, using, or transporting an antique firearm. As used in this subdivision, "antique firearm" means that term as defined in section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.

(i) An individual carrying, possessing, using, or transporting a pistol belonging to another individual, if the other individual's possession of the pistol is authorized by law and the individual carrying, possessing, using, or transporting the pistol has obtained a license under section 5b to carry a concealed pistol or is exempt from licensure as provided in section 12a.

(2) The amendatory act that added subsection (1)(h) shall be known and may be cited as the "Janet Kukuk act".

Sec. 14a. (1) A law enforcement agency that seizes or otherwise comes into possession of a firearm or a part of a firearm subject to disposal under section 14 may, instead of forwarding the firearm or part of a firearm to the director of the department of state police or his or her designated representative for disposal under that section, retain that firearm or part of a firearm for the following purposes:

(a) For legal sale or trade to a federally licensed firearm dealer. The proceeds from any sale or trade under this subdivision shall be used by the law enforcement agency only for law enforcement purposes. The law enforcement agency shall not sell or trade a firearm or part of a firearm under this subdivision to any individual who is a member of that law enforcement agency unless the individual is a federally licensed firearms dealer and the sale is made pursuant to a public auction.

(b) For official use by members of the seizing law enforcement agency who are employed as peace officers. A firearm or part of a firearm shall not be sold under this subdivision.

(2) A law enforcement agency that sells or trades any ~~pistol~~ **FIREARM** to a licensed dealer under subsection (1)(a) or retains any ~~pistol~~ **FIREARM** under subsection (1)(b) shall complete a record of the transaction under section 2 or section 2a, as applicable.

(3) A law enforcement agency that sells or trades a firearm or part of a firearm under this section shall retain a receipt of the sale or trade for a period of not less than 7 years. The law enforcement agency shall make all receipts retained under this subsection available for inspection by the department of state police upon demand and for auditing purposes by the state and the local unit of government of which the agency is a part.

(4) Before disposing of a firearm under this section, the law enforcement agency shall do both of the following:

(a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the law enforcement agency shall provide 30 days' written notice of its intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. If the police agency determines that a serial number has been altered or has been removed or obliterated from the firearm, the police agency shall submit the firearm to the department of state police or a forensic laboratory for serial number verification or restoration to determine legal ownership.

(b) Provide 30 days' notice to the public on a website maintained by the law enforcement agency of its intent to dispose of the firearm under this section. The notice shall include a description of the firearm and shall state the firearm's serial number, if the serial number can be determined. The law enforcement agency shall allow the owner of the firearm to claim the firearm within that 30-day period if he or she is authorized to possess the firearm. The 30-day period required under this subdivision is in addition to the 30-day period required under subdivision (a).

(5) The law enforcement agency is immune from civil liability for disposing of a firearm in compliance with this section.

(6) As used in this section, "law enforcement agency" means any agency that employs peace officers."

Representative Chang moved to adopt the amendments to the bill. The motion did not prevail 4-7-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Robinson, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad.

Pass: None.

Representative Chang offered the following amendments to SB 34:

1. Amend page 76, following line 11, by inserting:

"(I) A PUBLIC LIBRARY AS DEFINED IN SECTION 2 OF THE STATE AID TO PUBLIC LIBRARIES ACT, 1977 PA 89, MCL 397.552."

2. Amend page 78, following line 4, by inserting:

"(6) AN INDIVIDUAL SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL ON THE PREMISES LISTED IN SUBSECTION (1)(A) TO (I) UNLESS THE INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION (1) OR IS EMPLOYED OR CONTRACTED BY THE OWNER OR OTHER PERSON WITH CONTROL OVER THE PREMISES DESCRIBED IN SUBSECTION (1), THE POSSESSION OF THE PISTOL IS TO PROVIDE SECURITY SERVICES FOR THE PREMISES OR IS OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL DUTIES, OR THE INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT OF THE OWNER OF THE PREMISES OR AN AGENT OF THE OWNER OF THE PREMISES." and renumbering the remaining subsection.

Representative Chang moved to adopt the amendments to the bill. The motion did not prevail 4-7-0.

FAVORABLE ROLL CALL

Yeas: Reps. Irwin, Robinson, Chang, Guerra.

Nays: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad.

Pass: None.

Representative Lucido moved to report out SB 34 with recommendation, as substitute (H-1). The motion prevailed 7-3-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad,

Nays: Reps. Irwin, Robinson, Chang.

Pass: Rep. Guerra.

Representative Lucido moved to report out SB 35 with recommendation. The motion prevailed 7-3-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad,

Nays: Reps. Irwin, Robinson, Chang.
Pass: Rep. Guerra.

There being no further business before the committee, the Chairman moved to adjourn the meeting, the time being 12:54 p.m. There being no objection, the motion prevailed by unanimous consent.

Representative Klint Kesto, Chair_____

Melissa Weipert, Committee Clerk
House Judiciary Committee
mweipert@house.mi.gov
(517) 373-5176